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U. S. DEPARTMENT OF AGRICULTURE.

FEDERAL HORTICULTURAL BOARD.

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RULES AND REGULATIONS GOVERNING (1) ENTRY FOR IMMEDIATE EXPORT, (2) ENTRY FOR IMMEDIATE TRANSPORTATION AND EXPORTATION IN BOND, AND (3) SAFEGUARDING THE ARRIVAL AT A PORT WHERE ENTRY OR LANDING IS NOT INTENDED OF PROHIBITED PLANTS AND PLANT PRODUCTS.

(Effective on and after August 1, 1920.)

LETTER OF TRANSMITTAL.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FEDERAL HORTICULTURAL BOARD,
Washington, D. C., July 1, 1920.

Hon. E. T. MEREDITH,
Secretary of Agriculture.

SIR: The Federal Horticultural Board respectfully submits herewith rules and regulations governing (1) entry for immediate export, (2) entry for immediate transportation and exportation in bond, and (3) safeguarding the arrival at a port where entry or landing is not intended of prohibited plants and plant products.

These rules and regulations are a revision of and supersede the rules and regulations governing the entry for immediate export of prohibited plants and plant products promulgated October 20, 1917, effective December 1, 1917.

The purpose of section 7 of the plant quarantine act of August 20, 1912 (37 Stat., 315), is to provide authority under which insects and diseases injurious to plants may be excluded from the United States. This section provides that "no person shall import or offer for entry into the United States" any class of plants or plant products the importation of which has been prohibited by the Secretary of Agriculture, "regardless of the use for which the same is intended." In view of the expressed purpose of this section, as well as the language employed, it is evident that the unloading or landing at any port of the United States for transshipment and immediate export of prohibited plants or plant products constitutes an importation within the meaning and intent of this section, and renders subject to prosecution any person so doing. Furthermore, the bringing of prohibited plants or plant products to a port of the United States or into the territorial waters of the United States, whether the same are offered

for entry or not, constitutes a violation of the act, even if no actual unloading or landing is made.

The purpose of these regulations is to modify the quarantine orders as to plants and plant products now excluded, or which may hereafter be excluded by quarantine, so as to make provision, where such action can be taken without risk to the plant cultures of this country, for the entry of such plants or plant products either for immediate export or for immediate transportation and exportation in bond to meet the occasional exigencies of commerce. The purpose is to provide for such entry and transshipment only at such ports and under such conditions of unloading and transfer of cargoes or transportation in bond as shall conserve the interests of the United States. Furthermore, regulations 9 and 10 provide for the safeguarding of prohibited or restricted plants arriving at a port or within the territorial waters of the United States where entry or landing is not intended.

Respectfully,

FEDERAL HORTICULTURAL BOARD,
C. L. MARLATT, *Chairman.*

Approved:

R. W. WILLIAMS, *Solicitor.*

RULES AND REGULATIONS GOVERNING (1) ENTRY FOR IMMEDIATE EXPORT, (2) ENTRY FOR IMMEDIATE TRANSPORTATION AND EXPORTATION IN BOND, AND (3) SAFEGUARDING THE ARRIVAL AT A PORT WHERE ENTRY OR LANDING IS NOT INTENDED OF PROHIBITED PLANTS AND PLANT PRODUCTS.

Under authority conferred on the Secretary of Agriculture by section 9 of the plant quarantine act of August 20, 1912 (37 Stat., 315), and in order to meet the occasional exigencies of commerce, it is ordered that the quarantines now in force prohibiting the entry from foreign countries into the United States of certain plants and plant products be, and the same are hereby, modified to permit the entry of such plants and plant products, either for immediate export or for immediate transportation and exportation in bond, under such restrictions as shall conserve the interests of the United States.

Entry for immediate export and for immediate transportation and exportation in bond of such plants and plant products may be made in accordance with the rules and regulations herewith promulgated.

Provision is also made in these regulations for the safeguarding of such prohibited or restricted plants or plant products arriving at a port or within the territorial waters of the United States even though no entry or landing of such plants or plant products is intended.

Plants and plant products now under quarantine and subject to these regulations.¹

(a) Irish potatoes from Newfoundland; the islands of St. Pierre and Miquelon; Great Britain, including England, Scotland, Wales, and Ireland; Germany; and Austria-Hungary, on account of the disease known as potato wart. There are, however, no Federal restrictions on the importation of potatoes into the Territories of Hawaii and Porto Rico. (Quarantine No. 3.)

¹ Information as to additions to or changes in this list of plants and plant products may be obtained on inquiry of the collectors of customs or the inspectors of the Federal Horticultural Board, or directly from the Secretary of Agriculture.

(b) Mexican fruits: Oranges, sweet limes, grapefruit, mangoes, achras sapotes, peaches, guavas, and plums from the Republic of Mexico, on account of the Mexican fruit fly. (Quarantine No. 5, as amended.)

(c) Five-leaved pines and all species and varieties of currant and gooseberry plants (*Ribes* and *Grossularia*), from each and every country of Europe and Asia, and from the Dominion of Canada and from Newfoundland, on account of the white-pine blister rust. (Quarantine No. 7, as amended.)

(d) Pines from all European countries and localities not already excluded under the white-pine blister-rust quarantine, on account of the European pineshoot moth (*Evetria buoliana*). (Quarantine No. 20.)

(e) Cotton seed (including seed cotton) and cottonseed hulls from any foreign locality and country, excepting only the locality of the Imperial Valley, in the State of Lower California, Mexico, on account of the pink bollworm. (Quarantine No. 8, as amended.)

(f) Seeds of avocado or alligator pear from Mexico and the countries of Central America, on account of the avocado weevil. (Quarantine No. 12.)

(g) Sugar cane from all foreign countries, on account of certain injurious insects and fungous diseases affecting the sugar cane in such countries. There are, however, no Federal restrictions on the importation into the Territories of Hawaii and Porto Rico of sugar cane. (Quarantine No. 15.)

(h) Citrus nursery stock from all foreign localities and countries, on account of the citrus canker and other dangerous citrus diseases. The term "citrus" as used in this quarantine includes all plants belonging to the subfamily or tribe *Citratæ*. (Quarantine No. 19.)

(i) Seed and all other portions of Indian corn or maize (*Zea mays* L.), and the closely related plants, including all species of Teosinte (*Euchlaena*), Job's tears (*Coix*), *Polytoca*, *Chionachne*, and *Sclerachne*, in the raw or unmanufactured state, from southeastern Asia (including India, Siam, Indo-China, and China), Malayan Archipelago, Australia, New Zealand, Oceania, Philippine Islands, Formosa, Japan, and adjacent islands, on account of the downy mildews and *Physoderma* diseases of Indian corn; except that Indian corn or maize may be imported under permit and on compliance with the regulations governing entry from the regions above named. (Quarantine No. 24, as amended.)

(j) All species and varieties of citrus fruits from eastern and southeastern Asia (including India, Siam, Indo-China, and China), the Malayan Archipelago, the Philippine Islands, Oceania (except Australia, Tasmania, and New Zealand), Japan, (including Formosa and other islands adjacent to Japan), and the Union of South Africa, on account of citrus canker; except that oranges of the mandarin class (including satsuma and tangerine varieties) may be imported under permit and on compliance with the regulations governing entry from the regions named above. (Quarantine No. 28.)

(k) All varieties of sweet potatoes and yams (*Ipomoea batatas* and *Dioscorea* spp.) from all foreign countries and localities on account of sweet potato weevils and the sweet potato scarabee. (Quarantine No. 29.)

(l) All species and varieties of banana plants (*Muss.* spp.) or portions thereof, from all foreign countries and localities on account of the banana root borer. (Quarantine No. 31.)

(m) Bamboo seed, plants, or cuttings thereof capable of propagation, including all genera and species of the tribe *Bambuseae* from all foreign countries and localities on account of dangerous plant diseases, including the bamboo smut. (Quarantine No. 34.)

(n) Nursery stock, plants, and seeds from all foreign countries and localities on account of certain injurious insects and fungous diseases, except as provided in the regulations supplemental thereto. Under these regulations the following plants

and plant products may be imported without restriction: Fruits, vegetables, cereals, and other plant products imported for medicinal, food, or manufacturing purposes, and field, vegetable, and flower seeds not covered by specific quarantine. (Quarantine No. 37.)

(o) Seed or paddy rice and all species and varieties of wheat, oats, barley, and rye in the raw or uncleared or unprocessed state from Australia, India, Japan, Italy, France, Germany, Belgium, Great Britain, Ireland, and Brazil, on account of flag smut and take-all diseases; except that wheat, oats, barley, and rye may be imported under permit and upon compliance with the conditions prescribed in the regulations of the Secretary of Agriculture. (Quarantine No. 39.)

(p) The stalk and all other parts, whether used for packing or other purposes, in the raw or unmanufactured state, of Indian corn or maize (*Zea mays L.*), broom corn (*Andropogon sorghum* var. *technicus*), sweet sorghums (*Andropogon sorghum*), grain sorghums (*Andropogon sorghum*), Sudan grass (*Andropogon sorghum sudanensis*), Johnson grass (*Andropogon halepensis*), sugar cane (*Saccharum officinarum*), including Japanese varieties, pearl millet (*Pennisetum glaucum*), napier grass (*Pennisetum purpureum*), teosinte (*Euchlaena luxurians*), and Job's tears (*Coix lachryma-Jobi*), from all foreign countries and localities on account of the so-called European corn borer (*Pyrausta nubilalis*), except that broom corn for manufacturing purposes may be imported under permit and upon compliance with the conditions prescribed in the regulations of the Secretary of Agriculture. (Quarantine No. 41.)

(q) Indian corn or maize (*Zea mays L.*) from Mexico on account of the pink bollworm of cotton, except that such Indian corn or maize may be imported under permit and upon compliance with the conditions prescribed in the regulations of the Secretary of Agriculture. (Quarantine No. 42.)

(r) Stocks, cuttings, scions, and buds of fruits for propagation from Asia, Japan, Philippine Islands, and Oceania (including Australia and New Zealand), on account of dangerous plant diseases, including Japanese apple cankers, blister blight, and rusts, and injurious insect pests, including the pear fruit borer, the apple moth, etc. Provision is made for the importation under special permit of limited quantities of stocks, cuttings, scions, and buds of fruits from the countries and localities above named for the purpose of keeping the country supplied with new varieties and necessary propagating stock. (Quarantine No. 44.)

I. ENTRY FOR IMMEDIATE EXPORT.

Regulation 1. Permits required for entry for immediate export.

The entry for immediate export of any prohibited plants or plant products shall not be allowed except on specific permit from the Secretary of Agriculture and under such conditions and at such ports of entry as shall be prescribed in the permit.

Regulation 2. Application for entry for immediate export must be made in advance.

Persons contemplating the entry for immediate export of any plant or plant product shall make application for a permit to the Federal Horticultural Board, Department of Agriculture, Washington, D. C., stating the quantity and exact nature of the plants or plant products, the country and locality where grown, the name and address of the foreign shipper, the port of departure, the port of arrival in the United States, the port and country of final destination, the name of vessel and steamship line bringing the plants or plant products to the United States, the name of vessel and steamship line to which the goods are to be transshipped for exportation, and the name and address of consignee.

Regulation 3. Permits issued on approval of application.

On approval of an application for entry for immediate export of prohibited plants and plant products a permit will be issued in quadruplicate. One copy will be furnished to the applicant for presentation to the customs officer at the port of arrival,

one copy will be mailed to the collector at the port of arrival, one copy to the inspector of the Department of Agriculture at the port of arrival, and the fourth will be filed with the application. A separate permit will be required for each shipment offered for entry for immediate export.

Regulation 4. Notice by permittee of arrival of prohibited plants and plant products.

Immediately upon the receipt by the permittee of authority for entry for immediate export of prohibited plants and plant products he shall submit a notice in duplicate to the Secretary of Agriculture, through the collector of customs, on forms provided for that purpose, stating the date of arrival, the number of the permit, the quantity, the exact nature of the plants or plant products, the country and locality where grown, port of departure, port of arrival in the United States, name of vessel and steamship line and dock, name and address of foreign shipper, and name and address of foreign consignee.

Regulation 5. Unloading for entry for immediate export.

Such plants or plant products shall not be unloaded for entry for immediate export until a permit for such entry shall have been received from the Secretary of Agriculture and until a bond shall have been filed with the collector of customs, with approved sureties, in double the invoice value of the property (the amount of the bond in no case to be less than \$1,000), conditioned on the export of such property from the port of arrival within a period to be designated by the inspector of the Department of Agriculture in cooperation with the collector of customs. If not exported within the time thus designated the articles may be subject to seizure and destruction by the collector of customs. The landing for transshipment of prohibited plants and plant products shall be by such methods and under such safeguards as shall be required by the inspector of the Department of Agriculture.

Regulation 6. Notice of exportation and cancellation of bond.

Immediately upon the exportation of such plants and plant products a notice in duplicate, on forms provided for that purpose, shall be furnished by the permittee to the collector of customs, one copy of which shall be transmitted to the Secretary of Agriculture, stating the number of the permit, the quantity, the exact nature of the plants or plant products, the country and locality where grown, name of vessel and steamship line bringing the articles to this country, port of arrival in the United States, name of vessel and steamship line taking articles from this country, date of exportation, and name and address of foreign consignee.

On receipt of said notice by the collector of customs the bond required from the permittee under Regulation 5 hereof may be canceled.

II. ENTRY FOR IMMEDIATE TRANSPORTATION AND EXPORTATION IN BOND.

Regulation 7. Special permit for transportation in bond.

The entry for immediate transportation and exportation in bond of any of the plants or plant products described in these regulations, or which may hereafter be excluded by quarantine, is prohibited except on specific permit from the Secretary of Agriculture under such conditions as will be prescribed in the permit, when it can be shown that such transportation in bond through the United States can be so safeguarded as to routing and protection of shipment as to eliminate all possibility of risk to the plant cultures of this country.

Entry for immediate transportation and exportation in bond is prohibited of cotton seed, seed cotton, and cottonseed hulls from any foreign locality or country, excepting only the locality of the Imperial Valley in the State of Lower California, Mexico.

Regulation 8. Persons offering for entry prohibited plants or plant products, except as provided for in these regulations, liable to penalties.

Except as herein provided, the entry at any port of the United States, for immediate export or otherwise, of prohibited plants or plant products will not be permitted, and all persons offering such plants or plant products for entry at a port of the United States or bringing them into the limits of such ports will be liable to the penalties prescribed by the plant quarantine act.

III. SAFEGUARDING OF PROHIBITED OR RESTRICTED PLANTS ARRIVING AT A PORT WHERE ENTRY OR LANDING IS NOT INTENDED.

Regulation 9. Reporting of prohibited or restricted plants.

The master, captain, or other person having charge or possession of a vessel arriving at a port of the United States, and containing as a part of its cargo or ship's stores or otherwise, any plants or plant products, the entry of which into the United States is either prohibited or restricted by quarantine or other restrictive orders of this department, shall be required, on arrival at the port, to submit to the Secretary of Agriculture, through the collector of customs, a report giving the name of the vessel, the nature and quantity of such plants or plant products, the country or locality of origin, the date of arrival at and date of sailing from the United States port, together with a statement indicating the steps taken to prevent the escape of insects or plant diseases which they may carry.

Regulation 10. Provisions for safeguarding of prohibited or restricted plants.

The master, captain, or other person having charge or possession of a vessel arriving at a port of the United States and containing as a part of its cargo or ship's stores, or otherwise, any plants or plant products, the entry of which into the United States is either prohibited or restricted by quarantine or other restrictive orders of this department, shall be required to permit such inspection and to take such measures as may be prescribed by an inspector of the Department of Agriculture to prevent the landing of any such plants or plant products, or the escape of insects or plant diseases which they may carry. Unless the protective measures required by such inspector are promptly taken, the collector of customs, in cooperation with the inspector of the Department of Agriculture, may require the master, captain, or other person having charge or possession of the vessel either to destroy the objectionable plants and plant products, or to remove them forthwith from the port and the territorial waters of the United States. The inspector of the Department of Agriculture may, if he considers it necessary, require the disinfection of the vessel in accordance with methods prescribed by the Department of Agriculture.

The foregoing regulations are adopted, effective on and after August 1, 1920, and amend and supersede the regulations promulgated October 20, 1917, which became effective December 1, 1917.

Done in the District of Columbia this 7th day of July, 1920.

Witness my hand and the seal of the United States Department of Agriculture.

E. D. BALL,
Acting Secretary of Agriculture.





